

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DARREN GLEN LEWIS,)
#02210403,)
Petitioner,)
vs.) No. 3:19-CV-1812-G-BH
)
KENDALL T. RICHERSON)
Respondent.)
)
) Referred to U.S. Magistrate Judge¹

ORDER OF TRANSFER

Darren Glen Lewis (Petitioner) is a state prisoner currently incarcerated in the Clements Unit of the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) in Amarillo, Texas.² (*See* 3 at 1.) He filed this action under 28 U.S.C. § 2254 challenging his conviction in the 350th District Court in Abilene, Taylor County, Texas, on June 28, 2018, for aggravated sexual assault of a child. (*See id.* at 2.)

A petitioner may only file an action under 28 U.S.C. § 2254 in the district in which he is incarcerated or in which he was convicted. *See* 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959, 961-62 (5th Cir. 2000) (stating that § 2254 actions may only be filed in the place of incarceration or where convicted). In this case, Petitioner was convicted in Taylor County, Texas, and he is incarcerated in Potter County, both of which are located within the territorial confines of this Court. *See* 28 U.S.C. § 124(a)(3), (5). It therefore has jurisdiction to entertain the petition. *See* 28 U.S.C. § 2241(d); *In re Green*, 39 F.3d 582, 583-84 (5th Cir. 1994). It may transfer the action to another district or division “in the exercise of its discretion and furtherance of justice,” however.

¹ By *Special Order 3-251*, this habeas case has been automatically referred for full case management, including findings, conclusions, and recommendation.

² Amarillo is located in Potter County, which is within the Northern District of Texas, Amarillo Division. *See* 28 U.S.C. § 124(a)(5).

28 U.S.C. § 2241(d). It also has discretion to transfer any civil action to a more convenient forum where it could have been originally filed. *See* 28 U.S.C. § 1404(a).

Here, Petitioner could have filed this action in the Abilene Division, where he was convicted, or in the Amarillo Division, where he is incarcerated. Because he seeks to challenge his conviction, the place of conviction is the most convenient forum in this case.

This action is **TRANSFERRED** to the Abilene Division of the United States District Court for the Northern District of Texas.³

SIGNED on this 1st day of August, 2019.



IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

³ Amended Miscellaneous Order No. 6 authorizes magistrate judges in this district to transfer actions brought by *pro se* litigants to the proper or more appropriate district or division.